

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

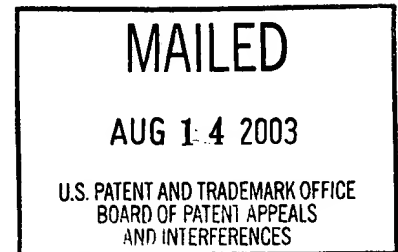
Paper No. 35

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte BURTON G. CHRISTENSEN,  
EDMUND J. MORAN,  
JOHN H. GRIFFIN,  
MATHAI MAMMEN,  
J. KEVIN JUDICE,  
JAMES AGGEN, and  
YONGOI MU

Appeal No. 2003-1717  
Application 09/457,926



ORDER DISMISSING APPEAL

Before STONER, Chief Administrative Patent Judge,  
HARKCOM, Vice Chief Administrative Patent Judge, and  
WILLIAM F. SMITH, Administrative Patent Judge.

Per curiam.

On July 15, 2003, counsel for the appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

Bruce H. Stoner, Jr. Chief  
Administrative Patent Judge

Gary V. Harkcom, Vice Chief  
Administrative Patent Judge

William F. Smith  
Administrative Patent Judge

## BOARD OF PATENT APPEALS AND INTERFERENCES

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